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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Lesotho

1. At its 685th and 686th meetings (see CRC/C/SR.685-686), held on 18 January 2001, the Committee on the Rights of the Child considered the initial report of Lesotho (CRC/C/11/Add.20), which was received on 27 April 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/LES/1). The Committee is encouraged by the dialogue with the State party and notes the presence of a large delegation, but would have liked the delegation to include more persons directly involved in the implementation of the Convention.

B. Positive aspects

3. The Committee notes the efforts undertaken by the State party to ensure that the principles and provisions of the Convention are widely known. In particular, the Committee notes the State party's recent support to the initiative to translate the Convention into Sesotho and to work in cooperation with the local media to encourage the broadcasting of programmes on child rights and the Convention in local languages in various regions of the country.

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* At the 697th meeting, held on 26 January 2001.

4. The Committee notes the development of numerous policies and strategies, including the "Vision 2020 initiative", by the State party, addressing, inter alia, the rights of children with disabilities, anti-poverty, the rights of youth, HIV/AIDS, early childhood care and development, and a draft reproductive health strategy.

5. The Committee appreciates the State party's initiatives in the education sector and particularly the introduction of free education from 2000 for children commencing Grade One. In this context, the Committee also welcomes the State party's new education policy, which is aimed at promoting and enhancing the quality of basic education by improving the level of teacher training, the pupil-teacher ratio and the coordinated management of schools.

6. The Committee notes the "adolescent health corner" initiatives at the regional level, providing access to health care for adolescents.

7. The Committee welcomes the recent ratification by Lesotho of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges that the economic and social difficulties facing the State party and the human rights situation in general have had, and still have, a negative impact on the situation of children and are impeding the full implementation of the Convention. In particular, the Committee notes the impact of the increasing level of poverty, very high unemployment and the emigration of professionals on children. The Committee further notes that the impact of HIV/AIDS also adversely affects the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

9. While noting the recent efforts made, the Committee remains concerned that domestic legislation does not fully reflect the principles and provisions of the Convention and that several recent efforts to amend domestic legislation have yet to be adopted. The Committee notes, in particular, that the Convention is not directly applied in the State party and that, as a consequence, where there are inconsistencies between domestic legislation and international standards, domestic legislation prevails. The Committee notes, further, that customary law continues to be applied in many situations and is sometimes in contradiction with the principles and provisions of the Convention. The Committee notes the recent activities of the Law Reform Committees, resulting in, inter alia, the Married Persons Equality Bill and the Sexual Offences Bill, but remains concerned that their work is hindered by a lack of human and financial resources.

10. The Committee recommends that the State party ensure that ongoing customary law practices are in conformity with the Convention. The Committee recommends that the State party continue its efforts to adopt new, or to amend, legislative instruments, to

implement the Committee's proposal that it undertake a review of all of its legislation and consider the enactment of a comprehensive child rights statute, with a view to ensuring the full conformity of domestic legislation with the principles and provisions of the Convention. The Committee also recommends that the State party expedite the approval of draft bills and provide the necessary financial and human resources for the full implementation of new legislation. The Committee further recommends that the State party continue to support and strengthen the work of the Law Reform Committees. Finally, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Coordination and implementation

11. Although the Ministry for Development and Planning coordinates the implementation of programmes and policies in general, the Committee is concerned about the lack of a structure in the State party with the appropriate authority, profile and resources for coordinating the implementation of the Convention. The Committee is concerned, further, at significant regional disparities in implementation, with a high concentration of services provided in Maseru the capital city, in contrast with a much weaker provision of services in more rural areas.

12. The Committee recommends the establishment of governmental mechanisms for the coordination of the implementation of the Convention, with the necessary authority and human and financial resources to perform such a coordinating role in an effective and efficient manner. The Committee recommends, in addition, that attention be given to strengthening coordination with, and between, NGOs working towards the Convention's implementation. The Committee recommends, further, that the State party make every effort to ensure more equal implementation of the Convention throughout the State party.

Monitoring

13. The Committee notes that the establishment of an independent human rights commission was approved by the Government in 1995 but that this commission is not yet operational and that the State party remains without an independent mechanism to monitor the implementation of human rights standards, including children's rights. The Committee expresses its concern, in particular, at the absence of mechanisms in the State party through which children, as well as adults, can make complaints of human rights violations or other abuses.

14. The Committee recommends that the State party proceed rapidly with the establishment of the Human Rights Commission. The Committee recommends, further, the establishment of an independent monitoring body with responsibility for monitoring implementation of the Convention, in accordance with the Paris principles, either as part of the Human Rights Commission or as a separate body, such as a children's ombudsperson. The Committee recommends that consideration also be given to providing a mechanism through which children can make complaints of abuses of their rights.

Data collection

15. The Committee joins the State party in expressing concern that current data collection mechanisms are insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention and in relation to all groups of children, with a view to the monitoring and evaluation of progress achieved and the assessment of the impact of policies adopted with respect to children.

16. The Committee recommends that the system of data collection be reviewed and substantially strengthened with a view to incorporating all the areas covered by the Convention. The data collection system should cover all children up to the age of 18 years and should include information in respect of the rights of, inter alia, children with disabilities, children of ethic minority groups, girls, children living in rural areas, children living in poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children of single-parent families, children born out of wedlock, children born of incestuous relations, sexually abused children and institutionalized children. The Committee recommends that the State party seek technical cooperation in this area from, inter alia, UNICEF.

Budgetary and other resources

17. The Committee is concerned that the State party has not used to the maximum extent possible the available budgetary, human and other resources for the Convention's implementation.

18. In the light of article 4, the Committee recommends that the State party make every effort to increase the proportion of the budget allocated to children's rights and, in this context, to ensure the provision of appropriate human resources and that the implementation of child policies are a priority.

NGOs and international cooperation

19. The Committee joins with the State party in expressing concern at the need for additional technical assistance and international cooperation. The Committee is concerned that civil society, including NGOs, have insufficient opportunities to influence children's rights policy making and implementation. The Committee is concerned, further, that children do not have sufficient opportunities to participate in this process.

20. The Committee recommends that the State party continue and strengthen its efforts to seek technical assistance and other forms of international cooperation, including from international NGOs, towards implementation of the Convention. The Committee recommends that the State party continue and strengthen its support to national NGOs. The Committee recommends, further, that children be provided with more opportunities to participate in the work of NGOs.

Dissemination and training on the Convention

21. The Committee is deeply concerned at the emigration of professionals essential not only for the State party's development but also for implementation of the rights of children. The Committee is also concerned that there is insufficient awareness of the principles and provisions of the Convention among the remaining professionals working for and with children and among the public at large.

22. The Committee recommends that the State party pursue and strengthen its ongoing efforts to encourage professionals to remain in the State party, particularly those professionals working with and for children. The Committee recommends that the State party provide child rights training for all relevant professional groups, including parliamentarians, judges, lawyers, chiefs, law enforcement personnel, teachers, school administrators, health professionals including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. The Committee recommends, in addition, that the State party strengthen efforts to raise awareness of the Convention among children, parents, the media and the public at large, including in rural areas. In this regard, the Committee encourages the State party to continue its efforts to make the Convention available in Sesotho. The Committee recommends, finally, that the State party make efforts to raise awareness and discussion among the public with regard to economic, social and cultural rights, in the context of improved implementation of all of the Convention's provisions.

D.2. Definition of the Child

23. The Committee notes with concern the lack of clarity in the definition of the child due to the fact that on the one hand the child is defined as a person under18 years of age while on the other hand the age of majority still remains 21. The Committee is similarly concerned by the different minimum legal ages for marriage, the absence of a defined minimum age of sexual consent for boys, the very high minimum age for consulting a doctor without parental consent and the extremely low minimum age of criminal responsibility - currently age seven.

24. The Committee recommends that the State party review, and amend as appropriate, existing legislation in order to harmonize the age of majority and the overall definition of the child, to introduce one minimum legal age for marriage, to increase the minimum age for criminal responsibility, to address concerns related to the minimum age for consulting a doctor without parental consent and to establish one minimum age for sexual consent.

D.3. General Principles

Non-discrimination

25. While noting that the principle of non-discrimination (art. 2) is reflected in the Constitution of Lesotho as well as in other domestic legislation, the Committee remains concerned that there continues to be serious discrimination in the State party, which has a negative impact on respect for children's rights and particularly on the rights of girls. The Committee is concerned, inter alia, that married women have the legal status of minors and this

situation can, in certain circumstances, negatively affect respect for the rights of their children. The Committee is also concerned that the State party has not taken measures to address discrimination against children who are born out of wedlock, those affected by HIV/AIDS, children in remote rural areas, children born of incestuous relationships, institutionalized children, pregnant girls, children with disabilities, street children and children of ethnic minority groups. The Committee is also concerned that many children do not have adequate or equal access to education and health services, in particular children in the vulnerable groups mentioned above. Finally, the Committee is concerned at the difficulties and humiliation faced by mothers of children born out of wedlock in obtaining travel documents for their children.

26. The Committee urges the State party to strengthen urgently its efforts to ensure full implementation of the principle of non-discrimination, inter alia, by amending domestic legislation and increasing awareness among the population. The Committee urges the State party to give particular attention to ending discrimination against girls and women - in so far as this affects respect for the rights of children - in legislation, customary law and in practice, to address effectively discrimination against vulnerable groups of children, inter alia, by improving their access to education and health services, and to ensure that children born out of wedlock can obtain travel documents as easily and quickly as all other children.

The right to be heard and the best interests of the child

27. The Committee is concerned that some traditional practices and attitudes can limit implementation of the right of children, especially girls, to express their views and to participate in decision-making processes. The Committee is also concerned that the evidence of children is not given appropriate weight in courts of law. The Committee is concerned, further, that the principle of the best interests of the child is not respected and that this situation is worsened by the limited implementation of children's right to be heard.

28. The Committee recommends that the State party take effective measures to encourage respect for the views of the child, particularly girls, in schools, families, and the care and judicial systems (including the magistrature), and to promote the participatory rights of children.

D.4. Civil rights and freedoms

Birth registration

29. The Committee is concerned at low levels of birth registration and, in particular, that some registration procedures are inaccessible, cumbersome and expensive.

30. The Committee recommends that all necessary measures be taken, including through legislation, awareness raising among government officials, community leaders and parents and the use of mobile registration offices whenever appropriate, to ensure that all children are registered at birth.

Corporal punishment

31. While noting that corporal punishment is prohibited by law in schools, the Committee remains concerned that the practice continues to be widespread in schools and in the family, in the care and juvenile justice systems and generally in society. The Committee is concerned, in particular, that corporal punishment of children is accepted among the public at large.

32. The Committee recommends that the State party take measures to implement effectively legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions, and consider prohibiting corporal punishment in the family. The Committee recommends, in addition, that the State party raise awareness of the negative effects of such punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention. The Committee recommends, further, that the State party promote the use of alternative disciplinary measures, in accordance with the principles and provisions of the Convention.

Violence

33. The Committee is extremely concerned at incidents of violence, including beatings, committed against children by law enforcement officials and the lack of investigation or criminal justice response to such incidents.

34. The Committee recommends that the State party establish an effective child-friendly complaint and investigation system to address acts of violence committed by law enforcement or other officials against children and to ensure that the perpetrators of such acts do not enjoy impunity. The Committee further urges the State party to strengthen awareness of children's rights issues within the criminal justice system.

D.5. Family environment and alternative care

Family breakdown

35. The Committee notes with concern the reported increase in family breakdown related to a combination of factors, inter alia, HIV/AIDS, household poverty, the retrenchment of migrant workers from South Africa and increasing unemployment. The Committee is concerned that the principle of the best interests of children is not respected by families or customary and civil courts in the course of family breakdown and that children in such situations are more likely to be abandoned or forced to live on the streets. The Committee is also concerned at the difficulties experienced by single parents, in particular single mothers, with regard to the enforcement of child maintenance payment orders and at the growing number of child-headed households, linked to the spread of HIV/AIDS. Finally, the Committee is concerned that, as a result of poverty and other factors, children experiencing family breakdown do not have access to psycho-social care.

36. The Committee recommends that the State party clarify, strengthen and ensure implementation of its policies and legislation in relation to family breakdown. The Committee also recommends that the State party strengthen the enforcement of maintenance orders and pay special attention to providing families in need with adequate support, including training and the empowerment of parents, in order to prevent the abandonment of children. The Committee recommends, in addition, that the State party strengthen its support to child-headed households, particularly in the light of the spread of HIV/AIDS.

Alternative care

37. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the insufficient financial support provided to existing ones. The Committee is concerned, further, at the low standard of the living conditions in some alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. The Committee is deeply concerned, in addition, that Juvenile Training Centres are used by courts to detain children for "welfare and education" under the Children's Protection Act No. 6 of 1980, even though these children have not committed any criminal offence. The Committee is concerned that some parents choose to send their children to such institutions as a way of disciplining their children. The Committee is also concerned that such detentions do not appear to be monitored and that the children are usually detained with others who have been detained in the context of criminal justice procedures.

38. The Committee recommends that the State party develop additional programmes to strengthen its alternative care facilities, in particular an adequate and well-supported (e.g. via special grants for foster parents) foster care system. The Committee strongly recommends that the State party end the practice of using the Juvenile Training Centres to detain children as a form of alternative care. The Committee recommends, further, that the State party develop other alternative care systems, including foster care, that it provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The Committee recommends that the State party seek assistance in this regard.

Adoption

39. The Committee notes that the State party has legislation to regulate domestic adoptions but that there is de jure discrimination against prospective parents who are African, and that the procedures are often slow and cumbersome. It is noted that the State party has no legislation, policies or institutions to regulate inter-country adoptions. The lack of monitoring with respect to both domestic, including customary law adoptions, and inter-country adoption is also a matter for concern.

40. In the light of article 21 of the Convention, the Committee recommends that the State party introduce effective and non-discriminatory regulatory and monitoring procedures with respect to both domestic and inter-country adoptions, in order to

guarantee the protection of the rights of children in this regard. The Committee further encourages the State party to consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption.

Ill-treatment, abuse and neglect

41. The Committee is concerned at the lack of measures and mechanisms to prevent and combat ill-treatment, violence, neglect and abuse of children, including sexual abuse. The Committee is concerned, in addition, at the lack of appropriate financial and human resources and the lack of adequately trained personnel to prevent and combat physical and sexual abuse. The Committee is concerned, further, at the lack of awareness and information, including statistical data, on these phenomena among the general public.

42. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and child abuse, including sexual abuse in order to understand the scope and nature of these practices, and to adopt adequate measures and policies to address them and to contribute to changing attitudes. The Committee also recommends that cases of domestic violence, ill-treatment, sexual and other abuse within the family be properly investigated through a child-friendly judicial procedure, and that sanctions be applied to perpetrators, due regard being given to guaranteeing the right to privacy of the child. The Committee also recommends that appropriate weight be given to children's views in legal proceedings, that support services be provided to child witnesses in legal proceedings, that provision be made for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and that measures be taken to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

D.6. Basic health and welfare

43. The Committee notes with concern the poor health situation of children in the State party and in particular the limited access to basic health care for children (especially in rural and mountainous areas), high maternal, child and infant mortality rates, low and decreasing immunization levels, high rates of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. The Committee is also concerned at the health risks linked to male circumcision. The Committee is further concerned at the low and decreasing number of trained health personnel, including mental health and social welfare professionals, which is contributing to the insufficient provision of essential services.

44. The Committee notes that the State party is currently reviewing its Social Welfare Policy and urges the State party to pursue its efforts to ensure that the new policy covers all groups of vulnerable children and to ensure that the policy provides an effective basis for addressing the challenges of, inter alia, poverty and HIV/AIDS. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve health infrastructure, to increase the number of trained health and welfare, including mental health, professionals, to improve the health situation of children, to facilitate greater access to primary health services, to

reduce the incidence of maternal, child and infant mortality, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to improve access to safe drinking water and sanitation. The Committee also recommends that the State party address health risks associated with male circumcision. Additionally, the Committee encourages the State party to consider requesting technical assistance for the integrated management of childhood illnesses and for other measures for child health improvement from, inter alia, UNICEF and the World Health Organization (WHO).

Adolescent health and HIV/AIDS

45. Whilst noting the existence of the National AIDS Strategic Plan 2000/2001-2003/2004 and the Policy Framework on HIV/AIDS Prevention, Control and Management, the Committee remains extremely concerned at the alarmingly high incidence and increasing prevalence of HIV/AIDS amongst adults and children, in particular amongst teenage girls, and the high incidence of teenage pregnancy and STDs. The Committee expresses concern, further, at the insufficient availability of adolescent health programmes and services and the lack of adequate data in this area and on the incidence of suicide, violence, sexual exploitation and abortion, alcohol consumption and tobacco and dagger smoking.

46. The Committee strongly urges the State party to implement fully the National AIDS Strategic Plan 2000/2001-2003/2004 and the Policy Framework on HIV/AIDS Prevention, Control and Management as soon as possible and to devote to them ample resources to ensure their success. The Committee recommends, further, that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy, as well as the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. The Committee urges the State party to give particular attention to the secondary consequences of HIV/AIDS, such as an increase in child-headed households following the death of adult family members. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents, especially girls, which would be accessible by them without parental consent; in this regard, the Committee notes the development of "Adolescent Health Corners" at the regional level and recommends that the State party pursue its objective of establishing such facilities at the district level. The Committee recommends that the State party increase its efforts to promote adolescent health policies, including mental health, particularly with respect to suicide prevention, and to strengthen reproductive health education and counselling services. In this regard, the Committee particularly recommends that all training programmes on reproductive health address boys as well as girls. The Committee recommends, further, that the State party implement measures to discourage the abuse of alcohol and the smoking of tobacco and dagger by adolescents.

Harmful traditional practices

47. The Committee is concerned at the continuing practice of female genital mutilation.

48. The Committee recommends that the State party end the practice of female genital mutilation and strengthen awareness among the population of the harm associated with such practices.

Children with disabilities

49. The Committee notes the State party's indication that a survey will be conducted to collect disaggregated data and other information on children with disabilities, which will be used as a basis for policy development, but remains concerned at the absence of legal protection and the lack of adequate programmes, facilities and services for children with physical and mental disabilities, and in particular the failure to integrate children with disabilities into mainstream schooling. The Committee is also concerned at the absence of a national strategy to ensure respect for the rights of children with disabilities.

50. The Committee urges the State party to complete the survey mentioned above as soon as possible and to make use of the information gathered to develop a comprehensive national programme, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the rights of children with disabilities (CRC/C/69). The Committee recommends that the State party develop "early identification" programmes with a view to providing prompt and appropriate early intervention to help children with disabilities, including physical and learning disabilities. The Committee recommends, in addition, that the State party increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for them and further encourage the inclusion of these children in society including through, inter alia, ensuring access for children with disabilities to schools and public buildings. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. The Committee recommends that the State party seek international cooperation from, inter alia, UNICEF and WHO in this regard.

D.7. Education, leisure and cultural activities

51. The Committee welcomes the recent initiatives of the State party to improve the provision and management of education through the Education Act 1995 and in particular through the introduction of free education for those commencing Grade One in January 2000. However, the Committee remains concerned that many children, in particular herd-boys, children living in poverty and children in remote rural communities, continue not to have access to education. With respect to the general situation of education, the Committee notes with concern the lack of trained teachers, the poor educational infrastructure and lack of equipment, the extent of overcrowding, the high pupil-teacher ratios, the high drop-out, illiteracy and repetition rates, the lack of basic training materials and shortages of text books and other

materials. The Committee is particularly concerned at the poor conditions of education resources in high mountainous and rural areas. The Committee is concerned, in addition, at the low percentage of children with access to pre-school educational services.

52. The Committee recommends that the State party continue its efforts to increase the school attendance and literacy rates of herd-boys in mountainous regions, including through research into the structural and other underlying causes for the failure of boys to complete their education and through consideration of possible solutions such as alternative approaches to care for cattle and flexible school hours and curricula. The Committee recommends that the State party introduce measures to broaden the provision of free education generally with a view to ensuring access to education for all children in the State party. The Committee recommends that all appropriate measures be taken to increase the number of trained teachers, strengthen the educational infrastructure and curriculum, and improve the coordination of education policy, the management of schools and the quality of education. In addition, the Committee recommends, that the State party undertake additional measures to motivate parents to encourage their children to enroll in school and complete their education. The Committee further recommends that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. The Committee recommends that the State party increase significantly the availability of pre-school places. Finally, the Committee suggests that the State party seek technical assistance from, inter alia, UNICEF and UNESCO.

53. The Committee notes with deep concern that girls who become pregnant whilst still attending school are often excluded from school and that such action is not only discriminatory against girls but also a violation of the right to education.

54. The Committee urges the State party to ensure that pregnant girls are permitted to continue attending school both during and after their pregnancy.

D.8. Special protection measures

Child labour

55. Labour laws regulating child labour do exist in the State party, but the Committee notes with concern the high and increasing number of children, especially boys, employed as animal herders, inter alia, and children employed as street traders, porters and in textile and garment factories. The Committee is concerned, in addition, at the number of children working in potentially dangerous conditions and at the lack of monitoring and supervision of the conditions in which they work.

56. The Committee recommends that the State party encourage the work of the Law Reform Commission on child labour concerns, that the Commission's child labour recommendations be rapidly implemented, that improvements be made to the monitoring of child labour practices and that the State party ensure that sufficient resources are allocated for this purpose with a view to the effective enforcement of labour laws and the

protection of children from economic exploitation. The Committee also recommends that the State party consider ratifying ILO Convention No. 182 concerning the Worst Forms of Child Labour.

Sexual exploitation

57. The absence of adequate information, including disaggregated statistical data, on the situation of sexual exploitation of children, is a matter of concern for the Committee. The Committee is concerned, further, that young girls in particular are vulnerable to sexual exploitation in Lesotho and that the number of incidents of such exploitation is increasing.

58. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, especially girls. The Committee recommends, in addition, that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family.

Children living and/or working on the streets

59. The Committee notes with concern the increasing number of children living and/or working on the streets in Lesotho.

60. The Committee recommends that the State party make every effort to identify and address the causes of children living and or working on the streets and to formulate policies and provide assistance addressing their needs and assuring greater respect for their rights.

Juvenile justice

61. While the Committee notes that a juvenile justice system has been established in the State party, the Committee remains concerned at:

(a) The extremely low age of criminal responsibility;

(b) The general situation of the administration of juvenile justice and in particular its incompatibility with the Convention and other recognized international standards;

(c) The absence of juvenile courts in some regions or the failure to use them even when they are available;

(d) The absence of systematic free legal advice and representation for children accused of criminal offences and the occasional contradictions in the roles of probation officers and lawyers;

(e) Weaknesses in the coordination between the chiefs' courts and the criminal justice system and the failure to ensure that children's rights are guaranteed and respected in the chiefs' courts;

(f) Overcrowding in detention facilities, and the holding of minors in these facilities;

(g) The failure to monitor the length of time children spend in detention facilities;

(h) The lack of reliable statistical data on the number of children in the juvenile justice system;

(i) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system;

(j) The limited sentencing options available to a court dealing with a child convicted of a crime;

(k) The legality of corporal punishment as a penalty for boys who have committed criminal offences under the Criminal Procedure and Evidence Act 1981;

(l) The insufficiency of facilities and programmes for the physical and psychological recovery, rehabilitation and social reintegration of child offenders;

(m) The incarceration of girls with boys and of children with adults, and the incarceration of some children in the capital, Maseru, where they cannot easily be visited by family members.

62. The Committee recommends that the State party:

(a) Take additional steps to undertake a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Amend the law as soon as possible in order to abolish the sanction of flogging for juvenile delinquents and, in the meantime, provisionally suspend the application of this form of sanction;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible time, reduce the maximum custodial sentence to a period shorter than three years, ensure that children are separated from adults and boys separated from girls, and ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved in the system of juvenile justice;

(e) Pursue its proposal to request technical assistance in the area of juvenile justice and police training from, inter alia, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice;

(f) Substantially raise the age of criminal responsibility.

Ratification of the two Optional Protocols

63. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

64. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.